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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 IN RE: TFT-LCD (FLAT PANEL) ANTITRUST  
9 LITIGATION

No. M 07-1827 SI  
MDL No. 1827

10 This Order Relates To:

No. C 11-2495 SI

11 JACO ELECTRONICS, INC.,

**ORDER GRANTING IN PART  
DEFENDANTS' MOTIONS TO DISMISS**

12 Plaintiff,

13 v.

14 AU OPTRONICS CORPORATION, *et al.*,

15 Defendants.  
16

17 Currently before the Court are two motions to dismiss the first amended complaint ("FAC") of  
18 plaintiff Jaco Electronics. Pursuant to Civil Local Rule 7-1(b), the Court finds these matters suitable  
19 for disposition without oral argument and therefore VACATES the hearing currently scheduled for  
20 February 24, 2012. Having considered the parties' papers, and for good cause appearing, the Court  
21 hereby GRANTS IN PART defendants' joint motion and DENIES the motion filed by Sanyo Consumer  
22 Electronics Co., Ltd.

23 Defendants' motions collectively raise three grounds for dismissal of Jaco's complaint. First,  
24 defendants contend that Jaco's Sherman Act claim impermissibly seeks to recover damages based upon  
25 the purchase of LCD panels from entities that are neither defendants nor co-conspirators. *See* FAC at  
26 ¶¶169-170 (stating that Jaco was injured by when it purchased "LCD Panels manufactured by  
27 defendants, their co-conspirators and others . . ."). In its opposition, Jaco represents that it is not  
28 seeking to recover under federal law for any purchases that were not made directly from members of

1 the conspiracy. Accordingly, the Court GRANTS defendants' motion on this point.

2 Second, defendants contend that Jaco's complaint impermissibly relies on "group pleading."  
3 As defendants acknowledge, this Court has rejected similar arguments on numerous occasions. Because  
4 the allegations in Jaco's FAC are substantially similar to allegations this Court has found to satisfy  
5 federal pleading standards, the Court DENIES defendants' motion on this ground. *See, e.g.*, Order  
6 Granting in Part Defendants' Motions to Dismiss, Master Docket No. 4601, at 6-7 (Jan 18, 2012); Order  
7 Denying Defendants' Joint Motion to Dismiss the Second Amended Complaint, Master Docket  
8 No. 3590, at 3-4 (September 15, 2011).

9 Finally, Sanyo has filed a joinder to defendants' motion, raising the related argument that Jaco's  
10 FAC lacks sufficient allegations against Sanyo to state a claim. The Court has also rejected this  
11 argument a number of times. *See, e.g.*, Order Re: Defendants' Motions to Dismiss, Master Docket No.  
12 4786, at 3-4 (Feb. 6, 2012). Because Jaco's allegations against Sanyo are almost identical to allegations  
13 this Court has approved, the Court DENIES Sanyo's motion to dismiss. *See* FAC at ¶81 (alleging that  
14 Sanyo "engaged in illegal bilateral communications with Samsung, Chunghwa, and Toshiba."); *see also*  
15 FAC at ¶¶70, 82, 88, 89; Order Denying Sanyo Consumer Electronics Co., Ltd.'s Motion to Dismiss  
16 Motorola Mobility, Inc.'s Third Amended Complaint, Master Docket No. 4145, at 1-2 (Nov. 15, 2011).

## 17 18 CONCLUSION

19 For the foregoing reasons and for good cause shown, the Court hereby GRANTS IN PART  
20 defendants' motions to dismiss Jaco's FAC. Docket Nos. 3873, 3879 in 07-1827; Docket Nos. 34, 39,  
21 45 in 11-2495.

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23 **IT IS SO ORDERED.**

24  
25 Dated: February 22, 2012



26 SUSAN ILLSTON  
27 United States District Judge  
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